

**House Committee on International Relations
Examination of a Fundamental Human Right:
The 2006 International Religious Freedom Report
December 21, 2006**

Statement of Vice-Chairman Christopher H. Smith

During this holiday season – and that term, of course, derives from “holy season” – it is especially appropriate for our Committee to proclaim and advance the universality and surpassing importance of religious freedom for every woman, man and child on earth – no exceptions. Thus, the Committee on International Relations is holding an oversight hearing on the Congressionally-mandated International Religious Freedom Report and on designations of Countries of Particular Concern for 2006. We are following up on some timely issues that were raised during the hearing that I chaired in June 2006 on “The Plight of Religious Minorities: Can Religious Pluralism Survive,” under the auspices of the Subcommittee on Africa, Global Human Rights and International Operations. We are also examining United States policy generally with respect to the promotion of religious freedom, with attention given to the International Religious Freedom Act of 1998 which mandated the annual report.

In this country, we tend to take for granted the freedom to exercise our conscience and to practice our faith according to our personal beliefs. However, we need to remind ourselves that freedom of religion *is* a fundamental human right that must be safeguarded not only for the well-being of the individual but also for society as a whole. In a letter that he authored in 1980, the late Pope John Paul II emphasized that freedom of

conscience and of religion “is a primary and inalienable right of the human person... insofar as it touches the innermost sphere of the spirit, one can even say that it upholds the justification, deeply rooted in each individual, of all other liberties.” He noted that “suppression, violation or restriction of religious freedom have caused suffering and bitterness, moral and material hardship, and that even today there are millions of people enduring these evils. By contrast, the recognition, guarantee and respect of religious freedom bring serenity to individuals and peace to the social community; they also represent an important factor in strengthening a nation's moral cohesion, in improving people's common welfare, and in enriching the cooperation among nations in an atmosphere of mutual trust.”¹

The former director of the Office of International Religious Freedom, Dr. Thomas Farr, who will be testifying on the third panel today, *wisely* sums up the centrality of religious freedom to a properly functioning democracy and the respect for all human rights. He states in his written testimony, and I quote, “A regime of religious liberty is characterized by much more than the absence of persecution. Religious freedom anchors a political order in which individuals and religious communities are free to act publicly in significant ways – to worship, to manifest religious truth claims, and to influence public policy, bounded only by the norms of liberal democracy. Where religious liberty exists, the natural tensions between the claims of religion and the claims of the liberal state have been reconciled in ways that can be sustained by the political culture. If U.S. diplomacy were successful in encouraging this aspect of democratic development, it would

¹ Message of John Paul II on the Value and Content of Freedom of Conscience and of Religion, September 1, 1980.

help ensure that democratic elections and democratic constitutions yielded stable, liberal governments rather than fragile concoctions of sectarian interest groups.”

Congress gave expression to our commitment to international religious freedom with the passage in 1998 of the International Religious Freedom Act (IRFA), which concretely established the promotion and protection of religious liberties as a foreign policy goal. Several of our witnesses will recall that IRFA was strongly opposed on the record by the Clinton Administration. Despite that opposition, and the bogus argument that the proposed law would establish a “hierarchy of human rights” under US law, we persisted and eventually the President signed the bill into law.

A critical component of the law is the requirement that foreign countries be reviewed each year, and those found to be engaged in or tolerant of particularly severe violations of religious freedom during the preceding 12 months are to be designated as “countries of particular concern” (CPC). Last month, the Department of State notified Congress that seven countries that had been designated as CPC’s in 2005 had been so designated again in 2006: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, and Sudan. Vietnam, which was a CPC in 2005, was removed from the list for 2006. Uzbekistan was newly added to the list in 2006, and brings the total number of current CPC’s to eight.

I applaud Secretary Rice for designating Uzbekistan as a CPC. The situation for religious liberties has deteriorated significantly since the Andijon massacre in May 2005, when Uzbek security forces

indiscriminately fired on a crowd of protestors. Over the past 18 months, the Karimov regime has increased its efforts to prohibit unregistered religious activity, to heavily fine individuals who meet “illegally” for worship, to jail thousands because of their Islamic affiliations or beliefs, and to prohibit the ability of individuals to share their religious views. I strongly believe that if the recalcitrant Karimov regime does not markedly improve religious freedoms within 90 days, Secretary Rice would be well justified to use the strict provisions given to her under the Act.

Along with Uzbekistan, in recent years I have called for the designation of Turkmenistan as a CPC and am in fact the author of H.Con.Res. 486, which focuses on the range of human rights concerns in Turkmenistan. With today’s news of the sudden cardiac arrest and death of President Niyazov, the new leadership of Turkmenistan has the opportunity to ensure the right of their oppressed people to exercise their religious beliefs without hindrance. The new the Law on Freedom of Conscience and Religious Organizations, if implemented properly, would allow freedom of religion, but to date government authorities in Turkmenistan have continued to harass registered and unregistered religious groups, unregistered religious activity is “illegal”, religious speech is severely limited, and conscientious objection to military service is criminalized.

I believe we should not lose focus on Russia either. To be sure, there are many positive religious activities taking place in Russia nowadays. However, as the U.S. Commission on International Religious Freedom recently reported, problems in the consolidation of religious freedom in Russia remain, especially for religious minorities. While Russia is certainly

entitled to combat terrorism and maintain domestic security, we note that even Muslim religious leaders who generally support Kremlin policies have complained about the tendency of some law enforcement officials to indiscriminately treat devout Muslims as terrorists. Moreover, this year's controversial "NGO law" could have had damaging effects on religious organizations. Although the results at this writing have not been as catastrophic as many had feared, we still need to monitor that situation.

I have reservations about the Secretary's decision to remove Vietnam as a country of particular concern. During my last trip to Vietnam one year ago this month, I met with almost 60 religious and political dissidents in dozens of meetings. Included in those meetings was one with Father Ly and Father Loi – two Catholic priests who were incarcerated for their faith and placed under house arrest. Father Ly's crime consisted in writing and sending testimony to the U.S. Commission on Religious Freedom detailing religious repression in Vietnam. Only after four years and a rigorous campaign - in which I participated - to effectuate his release was he moved from prison to house arrest. Based on this and other meetings, I was certainly convinced at the time that Vietnam was rightly designated a country of particular concern. It is difficult to believe that in only one year the situation in Vietnam improved to warrant its removal from the list.

We will be interested to hear in greater detail the Administration's justification for taking this action, to what extent the Department of States "enthusiastic" support for Congressional approval of Permanent Normal Trade Relations for Vietnam played in the CPC decision, and what measures

are in place to continue to pressure the Vietnamese government to respect religious freedom now that PNTR status has been granted.

As we will hear from some of our witnesses today, the condition in the remaining CPC's continue to be of extreme concern. China is upholding its reputation as one of the worst abusers of human rights generally, and of religious freedom in particular. In 1994, I visited China with other Congressional colleagues, and we were privileged to meet Bishop Su Zhimin of the underground Roman Catholic Church. Bishop Su was arrested in 1997 solely on the basis of religion, and has since disappeared. Mr. Joseph Kung will inform us today that we still have no news of Bishop Su. I strongly plead with our State Department officials to do everything possible to ascertain Bishop Su's whereabouts, and if he is still alive, to obtain his immediate release. Obviously, this needs to be done within the broader context of aggressive diplomatic activity to improve the human rights situation of all religious believers in China.

Several years ago, Eritrean President Isaias Afwerki was praised as one of Africa's promising new leaders. However, his government has been responsible for what is arguably the worst, sustained series of violations of religious freedom in Africa. The Eritrean government has harassed, arrested and detained members of churches not among the list of four approved religious groups: the Eritrean Orthodox Church, the Roman Catholic Church, the Evangelical Lutheran Church and Islam. According to some reports, there may be as many as 1,700 prisoners of conscience in detention in Eritrea.

Concerning the IRFA framework more generally, I believe the Act would support increased involvement by the Office of International Religious Freedom in the formulation of U.S. policy in the Middle East. If we are trying to win hearts and minds in the Islamic world, shouldn't we employ the office especially responsible for promoting respect for religious freedom? I believe we should fully utilize the expertise of the IRF office and would welcome the panelists' thoughts on how best those resources may be tapped.

The United States has been in the leadership on efforts to combat anti-Semitism not only here but in other parts of world, especially in the OSCE region. It is ever more important that we work internationally to combat hate, intolerance, and violence based on religion that fuels extremist ideologies, terrorism, and the conflicts they produce throughout the world. Only by devoting the appropriate resources, personnel, and high-level attention to these issues can we hope to combat the spread of anti-Semitism, and other forms of religious and ethnic intolerance. I would be interested in hearing the perspective of our witnesses today on how the discussions on religious liberty may be used to further combat the scourge of anti-Semitism.

Another area for increased IRF Office involvement would be in the work of the Organization for Security and Cooperation in Europe, which is at the forefront of combating anti-Semitism and Islamaphobia. At the same time, the OSCE needs to step up its attention to discrimination against Christians, a topic that has received scant coverage. In Europe, we continue to see troubling trends, especially when it comes to restrictive laws on religion. European Union countries like Austria, Czech Republic, Slovakia

and Portugal maintain legal systems that unfairly discriminate against minority religious groups. Meanwhile, Romania, a country poised to enter the EU with the New Year, is considering a draft which if signed by the president in its current form would give Romania the dubious distinction of having the most burdensome religious registration system in the entire 56-nation OSCE region.

These are but a few of examples of government-sponsored prejudice inconsistent with international commitments on religious freedom and discrimination.

Meanwhile, others, under the cloak of promoting tolerance, are aggressively attacking the biblically-based doctrines of some Christian churches. We witnessed an outrageous example of this in Sweden with the prosecution of a Pentecostal pastor for the content of one of his sermons. While reason ultimately prevailed in that case, I fully expect that others will be targeted by those seeking to advance their agenda at the expense of those trying to peacefully follow their faith. Such disturbing developments require vigilance on the part of those truly committed to religious liberty.

I thank all our witnesses for joining us, particularly during this busy holiday season, and I look forward to hearing your testimony and your perspectives on religious freedom in the world.